

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JASON DAVIS,)	
Petitioner,)	
)	
v.)	2:18cv00070
)	Electronic Filing
)	
KATHY BRITTAIN, et al.,)	
Respondents.)	

MEMORANDUM ORDER

AND NOW, this 17th day of February, 2022, after the petitioner, Jason Davis, filed a petition for a writ of habeas corpus, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties a period of time after being served with a copy to file written objections thereto, and upon consideration of the objections filed by the petitioner, and upon independent review of the petition and the record and upon consideration of the Magistrate Judge's Report and Recommendation (ECF No. 20), which is adopted as the opinion of this Court,

IT IS ORDERED that the petition for a writ of habeas corpus filed by petitioner (ECF No. 4) is dismissed and, because reasonable jurists could not conclude that a basis for appeal exists, a certificate of appealability is denied.

Petitioner's objections are unavailing. While petitioner has evidence to support the general proposition that Judge Pozonsky used illicit controlled substances at various times during the pendency of his case, petitioner has failed to come forward with any evidence that will support a finding that the improper drug use had a causal effect on the specific rulings in petitioner's case. As a result, the Magistrate Judge's assessment that "[o]ther than the bald allegation that "[Judge Pozonsky] pleaded guilty to stealing and using illegal narcotics during the

time in which he presided over petitioner's bench trial[.]" [petitioner] has failed to set forth any basis upon which one might conclude that as a result he was denied due process" remains dispositive. Further, the evidence against petitioner was more than sufficient as highlighted in the numerous judicial proceedings referenced in the record. Finally, the strategic efforts of counsel in handling the hearsay testimony of Trooper Vanderaar as part of an effort to keep the focus on deflecting and countering the damaging testimony supplied by Jesika Grey cannot be said to have fallen below the minimum level demanded by the Sixth Amendment.

IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure if the petitioner desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed. R. App. P.

s/David Stewart Cercone
David Stewart Cercone
Senior United States District Judge

cc: Jason Davis
JG-3518
SCI Frackville
1111 Altamont Boulevard
Frackville, PA 17931-2699
(Via First Class Mail)

Jason M. Walsh, Esquire
(Via CM/ECF Electronic Mail)